

**BOARD OF ADJUSTMENT**  
**OFFICIAL MINUTES**  
**January 7, 2008**

**Members Present:**

Michael Villyard  
Michael Gallagher  
Liz Victor  
Edward Hardemon  
Helen Dutmer  
George L. Alejos  
Mary Rogers  
Andrew Ozuna  
Gene Camargo  
Peter Vallone  
Rollette Schreckenghost

**Staff:**

Fernando De Leon, P.E. Asst. Dir.  
Ted Murphree, Asst. City Attorney  
Christopher Looney, Planning Manager  
Rudy Nino, Senior Planner  
David Arciniega, Planner

**Call to Order**

Pledge of Allegiance to the U.S. and Texas Flags.

Mr. Villyard, Chairman, called the meeting to order and called roll of the applicants for each case.

**CASE NO. A-08-012**

Applicant – Alvin G. Peters  
Lot 12, Block 8, NCB 2816  
1545 South San Marcos  
Zoned: "I-2" Heavy Industrial District

The applicant is requesting for a 29-foot variance from the Unified Development Code requirement that a minimum 30-foot front setback be maintained in "I-2" zoning districts, in order to build a structure 1-foot from the front property line.

David Arciniega, Planner, presented background and staff's recommendation of approval on this case. He indicated 15 notices were mailed, 0 returned in favor and 0 were returned in opposition and Avenida Guadalupe Neighborhood Association is in favor.

Alvin Peters, applicant, stated the purpose of this request to expand the existing meat packing plant.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-08-021 closed.

**MOTION**

A motion was made by **Mr. Gallagher**, Reference Appeal No. **A-08-021**, variance application for **Surlean Meat Company, Lot 12, Block 8, NCB 2816, 1545 South San Marcos Street, "I-2" Heavy Industrial District**, for a variance for a 29-foot variance from the minimum 30-foot front setback required in "I-2" zoning districts, in order to build a structure 1-foot from the front property line. I move that the Board of Adjustment grant the applicants request regarding Appeal No. **A-08-021**, application for a variance to the subject property as described above, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship. Such variance will not be contrary to the public interest, in that **we have heard that the neighborhood association and also area businesses are in favor of this change.** Due to the special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **due to the location of the buildings on the property, it does not look like there are too many other options for the applicant.** So that the spirit of the ordinance is observed and substantial, justice is done in that **no other changes to the land are sought by the applicant.** Such variance will not authorize the operation of a use other than those uses specifically authorized for the districts in which the property for which thae variance is sought is located in that **there is no change presented to the use of this property by the applicant.** Such variance will not substantially or permanently injure the district in which that variance is sought in that **it is obvious that the current structure, as presented, has not presented a problem to the neighborhood to the date.** Such variance will not alter the essential character of the districts in which the variance is sought in that **the City Officials have looked at this property and have determined that there are other properties in the area with very similar types of buildings.** Such variance will be in harmony with the spirit and purpose of this chapter in that **City staff has looked at this and has found that this is an industrial area with very similar structures.** The plight of the property owner for which the variance is sought is due to unique circumstances existing on the property and not personal in nature or self-created, and not merely financial, and are not due to or the result of the general conditions in the district in which the property is located in that **this expansion is certially limited to the same area except just and extention which already exist.** The variance will not substantially weaken the general purposes of this chapter of the regulations herein established for the specified district in that **this is a specific variance for this specific lcoation.** The variance will not adversely affect the public health, safety or welfare of the public in that **no traffic, pedestrian or other safety concerns have come before this Board regarding this matter.** The motion seconded by **Mr. Camargo.**

**AYES: Villyard, Victor, Hardemon, Dutmer, Alejos, Rogers, Ozuna, Gallagher, Camargo, Vallone, Schreckenghost**

**NAY: None**

**THE VARIANCE WAS GRANTED.**

**CASE NO. A-08-027**

Applicant – PSCE, Inc.  
Lot 8, Block 2, NCB 14757  
7327 North Loop 1604 West  
Zoned: “C-3” Commercial Edwards Recharge Zone District

The applicant is requesting for a 15-foot variance from the minimum 30-foot rear setback required in “C-3” zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 15 feet from the rear property line.

David Arciniega, Planner, presented background and staff’s recommendation of denial of this variance. He indicated that there were 13 notices mailed, 0 returned in favor and 3 returned in opposition.

Jim Bennett, representative, stated the purpose of this request is to allow a reduce setback. He stated they have agreed to provide a 15 foot rather than a 30 foot setback.

**The following citizen(s) appeared to speak:**

Wayne Taylor, spoke in opposition.

Chris Beals, spoke in opposition.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-08-027 closed.

**MOTION**

A motion was made by **Mr. Camargo**. I would like to move that in Appeal Case A-08-027, the request of **PSCE, Inc.**, for a variance on property known as **Lot 8, Block 2, NCB 11757**, also known as **7327 North Loop 1604 West**, for a request for a variance to the minimum 30-foot rear yard setback which is required in “C-3” zoning districts when abutting residential uses. The variance being requested has been stated verbally that at one point the building would be located 15 feet at its closes spot and 21 feet at the furthest spot from the rear property line. Such variance will not be contrary to the public interest in that the only opposition that was received was only tow and the neighborhood association only opposed the request. Due to special conditions, literal enforcement of the ordinance would result in unnecessary hardship in that the proposal is to build a structure that is oversized for the size of the lot thus causing parking requirement to be imposed that would place this building at this distance from the rear yard setback. So that the spirit of the ordinance is observed and substantial justice is done in that the property should be located in a manner so it is not to affect the adjacent residential development. Such variance will not authorize the operation of a use other than those uses specifically authorized for the districts in which the property for which the variance is sought is located in that it is located in a “C-3” Commercial District, which is one of the most intesive commercial zones in the zoning category in the area of

**commercial.** Such variance will not substantially or permanently injure the district in which the variance is sought in that **it has been stated verbally the location of this building would possibly set precedence for other decisions to be made on properties both to the east and west that front Loop 1604.** Such variance will not alter the essential character of the district in which the variance is sought in that **it has been stated that other commercial development in this area has maintained a 30 foot setback.** The motion seconded by Ms. Hardemon.

**AYES: None**

**NAY: Villyard, Victor, Hardemon, Dutmer, Alejos, Rogers, Ozuna, Gallagher, Camargo, Vallone, Schreckenghost**

#### **THE VARIANCE WAS DENIED**

#### **Approval of the Minutes**

Mr. Gallagher raised concerns on minutes for November 20, 2006. He requested these minutes be reviewed by staff to ensure that there were only 2 items for consideration on that meeting date.

**Ms. Dutmer** made a motion to approve minutes of December 17, 2007 and was seconded by **Mr. Hardemon** and all members voted in the affirmative.

#### **Staff Report**

Mr. Gallagher made a motion to begin February 4, 2008 meeting begin at 10 am being that there will be 9 items for consideration and was seconded by Mr. Hardemon and all members voted in affirmative.

APPROVED BY:

OR

DATE:

ATTESTED BY:

DATE:

4-7-08